

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )  
                                )  
LIONEL CAWTHON,            )  
                                )  
Defendant.                 )

8:12CR79

DETENTION ORDER

Defendant Lionel Cawthon (Cawthon) appeared before the court on May 20, 2016, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 39). Cawthon was represented by Chad D. Primmer (Mr. Primmer) and the United States was represented by Assistant U.S. Attorney Douglas J. Amen (AUSA Amen). Through his counsel, Cawthon requested a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). The government moved for detention. A combined probable cause hearing and detention hearing was scheduled for May 25, 2016.

Cawthon again appeared before the court on May 25, 2016, with his counsel, Mr. Primmer. The United States was represented by AUSA Amen. The court took judicial notice of the Petition. The court received into evidence Exhibit 101, a copy of a judgment from Fremont County, Iowa, and heard a proffer from Mr. Primmer. The court finds there is probable cause to believe the violations set forth in the Petition have occurred and Cawthon has violated the conditions of his supervised release as alleged. Cawthon will be held to answer for a final dispositional hearing before Senior Judge Joseph F. Bataillon.

It is Cawthon's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, I find he has failed to do so. In light of Cawthon's previous criminal record including the circumstances of the current violations, the court finds Cawthon to be both a flight risk and a danger to the community. Cawthon should be detained pending a dispositional hearing before Senior Judge Bataillon.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Senior Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 8:30 a.m. on June 30, 2016**. Defendant must be present in person.

2. Defendant Lionel A. Cawthon is committed to the custody of the Attorney General or her designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 25th day of May, 2016.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge